

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KELVIN M. JORDAN, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )              Case No. 4:06CV1231 HEA  
                        )  
DIERBERGS MARKETS, INC., )  
                        )  
Defendant.           )

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Defendant's Motion for Sanctions, [Doc. No. 17]. Plaintiff has not responded to the Motion. On December 19, 2006, the Court granted Defendant's Motion to Compel and entered an Order ordering plaintiff to produce his initial disclosures within seven (7) days. Defendant advises the Court that Plaintiff has failed to comply with the Court's Order within the prescribed time period, despite efforts on Defendant's part to secure compliance. Plaintiff has failed to prosecute this action in accordance with the Federal Rules of Civil Procedure and this Court's Orders.

Accordingly,

**IT IS HEREBY ORDERED** that this matter is dismissed without prejudice for failure to prosecute.

Dated this 22nd day of January, 2007.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE